



UNITED STATES PATENT AND TRADEMARK OFFICE

mn
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,308	03/31/2004	Brian L. Schmidt	MS1-1944US	1844
22801	7590	06/06/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER BATAILLE, PIERRE MICHE	
			ART UNIT	PAPER NUMBER
			2186	
			NOTIFICATION DATE	DELIVERY MODE
			06/06/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/817,308

Applicant(s)

SCHMIDT ET AL.

Examiner

Pierre-Michel Bataille

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 3, 4, 16 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 6, 13-15, 18, 19 and 26-46 is/are rejected.
- 7) ☒ Claim(s) 7-12 and 20-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 5, 2007 has been entered.
2. Claims 1-2, 5-15 and 18-46 are now pending in the application under prosecution as claims 3-4 and 16-17 have been canceled by applicant's amendment.

Response to Arguments

3. Applicant's arguments with respect to claims 1-2, 5-15 and 18-46 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 5-6, 13-15, 18-19, and 26-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2005/0066063 (Grigorovitch et al) in view of US 6,122,708 (Faraboschi et al).

Art Unit: 2186

With respect to claims 1, 14, 27, 31, 37, and 41, Grigorovitch teaches method for reading information from an optical storage medium **[non-volatile storage device such as magnetic devices or optical devices) Par. 0032]**, comprising: providing a cache memory having multiple cache segments **[(media cache module 212) Par 0034]**; receiving a request for information stored on the optical storage medium **[(request description operation requesting description of streaming media file) Par. 0056]**; determining whether the requested information is stored in one of the cache segments **[(stream determination operation determining if corresponding media cache stream exists in cache) Par. 0056]**; retrieving the requested information from said one of the cache segments if the information is determined to be stored in the cache memory; and retrieving the requested information from the optical storage medium itself if the information is determined not to be stored in the cache memory **[determining whether the request can be satisfied by retrieving the requested data from previously stored cache) Par. 0029]**, wherein the cache memory includes a first group of at least one cache segment dedicated to handling a first type of information, and a second group of at least one cache segment dedicated to handling a second type of information **[(media cache module includes computer-readable media types of data structure such as media cache stream, media cache segment) Par. 0034]**.

Grigorovitch fails to specifically teach a first type of information pertains to information that is designated for retrieval in a streaming transfer mode in which parts of the information are retrieved on an as-needed piecemeal basis as the information is consumed, and a second type of information pertains to information that is designated

Art Unit: 2186

for retrieval in a bulk transfer mode in which a bulk quantity information is retrieved as a whole, not in multiple parts on an on-needed piecemeal basis. However, Farabuschi teaches a data cache controller for controlling reading and writing of data in data cache memory in a normal mode **(a second type of information pertains to information that is designated for retrieval in a bulk transfer mode in which a bulk quantity information is retrieved as a whole, not in multiple parts on an on-needed piecemeal basis)** and for controlling reading and writing of data in a streaming buffer in a streaming mode **(a first type of information pertains to information that is designated for retrieval in a streaming transfer mode in which parts of the information are retrieved on an as-needed piecemeal basis as the information is consumed)** [Col. 2, Lines 22-30, Lines 44-48; Col. 4, Lines 42-52]. Therefore, it would have been obvious to one having ordinary skill in the art to have a first type of information pertaining to information that is designated for retrieval in a streaming transfer and a second type of information pertaining to information that is designated for retrieval in a bulk transfer mode in which a bulk quantity information is retrieved as a whole, because bulk transfer mode and streaming transfer mode in one cache system would have eliminated the use of additional circuitry without degrading the performance of the system.

With respect to claims 2, 5-6, 13, 15, 18-19, 26, 28-30, 32-36, 38-40 and 42-46, Grigorovitch teaches the retrieved information pertaining to a game application pertaining to audio game information and game level load information, pre-fetching

performed at a time in which a drive mechanism is not otherwise engaged performing other tasks, the filling proceeding in circular manner by wrapping around from an end of the cache memory to a beginning of the cache memory, the storage medium being an optical storage medium [Par. 0032-0034]. Farabushi additionally teach the retrieved information pertaining to a game application pertaining to audio game information and game level load information, pre-fetching performed at a time in which a drive mechanism is not otherwise engaged performing other tasks, the filling proceeding in circular manner by wrapping around from an end of the cache memory to a beginning of the cache memory, the storage medium being an optical storage medium [Col. 4, Line 43 to Col. 5, Line 22].

Allowable Subject Matter

6. Claims 7-12 and 20-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone number is (571) 272-4178. The examiner can normally be reached on Mon, Tue-Fri (8:00A to 5:30P).

Art Unit: 2186

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Pierre-Michel Bataille
Primary Examiner
Art Unit 2186